

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Department of Transportation

AGENDA DATE: Introduction: February 14, 2012
Public Hearing: February 21, 2012

CONTACT PERSON NAME AND PHONE NUMBER: Michelle Padilla, (915) 541-4050, padillamx@elpasotexas.gov

DISTRICT(S) AFFECTED: All

SUBJECT:

An Ordinance amending Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), to require a special privilege permit and establish criteria for temporary signs located in the public right-of-way; the penalty being as provided in Section 15.08.125 and Chapter 1.08 of the El Paso City Code. All Districts.

BACKGROUND / DISCUSSION:

This amendment is in response to a request from the Economic Development, Planning and Tourism Legislative Review Committee to provide Council with the option to prohibit temporary signs from being placed within the parkways of public right-of-way or to allow them with requirement of a permit which would require that the signs meet specific design standards and spacing requirements.

PRIOR COUNCIL ACTION:

On June 21, 2010, the Legislative Review Committee Report was presented to City Council.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

The Economic Development, Planning and Tourism Legislative Review Committee (LRC) requested the amendments on June 9, 2011.

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:

**Daryl W. Cole, Director
Department of Transportation**

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 15 (PUBLIC SERVICES), CHAPTER 15.08 (STREET RENTALS), SECTION 15.08.120 (SPECIAL PRIVILEGE LICENSES AND PERMITS), OF THE EL PASO CITY CODE, TO REQUIRE A SPECIAL PRIVILEGE PERMIT AND ESTABLISH CRITERIA FOR TEMPORARY SIGNS LOCATED IN THE PUBLIC RIGHT-OF-WAY; THE PENALTY BEING AS PROVIDED IN SECTION 15.08.125 AND CHAPTER 1.08 OF THE EL PASO CITY CODE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF EL PASO:

Section 1. That El Paso City Code Title 15 (Public Services), Chapter 15.08 (Street Rentals), Section 15.08.120 (Special Privilege Licenses and Permits), subsection E (Types of Encroachments), Table 1-1, shall be amended as follows:

- a. Table 1-1, number 2 “Surface encroachments,” sub-entry letter “l” (Other surface encroachments not specified herein) shall be re-lettered as sub-entry “m.”
- b. Table 1-1, number 2 “Surface encroachments” shall be amended to add the following as sub-entry letter “l”:

l. Temporary signs in the parkway of public rights-of-way	Permit	One year annual renewal required	See Section O.
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Section 2. That the El Paso City Code section 15.08.120(G)(11) shall be deleted in its entirety and marked as “Reserved.”

Section 3. That the El Paso City Code section 15.08.120 (Special Privilege Licenses and Permits) be amended to add the following subsection “O”:

O. Requirements for temporary signs in the parkway of public right-of-way.

1. Temporary signs that are located in the public right-of-way shall require a special privilege permit and must meet and abide by the following criteria:
 - a. The sign shall be a portable two-sided, single panel style or two connected single panels ("A-frame" or "tent style");
 - b. The sign is constructed entirely of wood and/or metal;
 - c. The sign is located within the parkway and is not permitted in the median;
 - d. The sign shall be freestanding;
 - e. The sign shall not include any lighting;

- f. Only one sign per lot frontage is permitted per legally platted lot;
 - g. The sign may only be located in the parkway within the hours of 10:00 a.m. and 7:00 p.m.;
 - h. The sign area is no larger than five square feet and is no greater than thirty-six inches in any dimension, and does not exceed thirty-six inches in height;
 - i. A copy of the special privilege permit must be attached to the sign;
 - j. The sign owner shall be responsible for all claims, causes of action, liability, damages and/or expenses for any damage to or loss of any property, or any injury to any person resulting from use of city right-of-way. Owner shall provide to City proof of insurance coverage that includes advertising injury (including defamation, invasion of privacy, false light, etc.) prior to issuance of the special privilege permit; and
 - k. Signs shall be separated by a minimum distance of 200 feet along any right-of-way. The distance shall wrap any corner and include the cross street.
2. An applicant shall provide with the special privilege permit application information describing or depicting the proposed sign (photograph, drawing, diagram, etc.).
3. A single permit issued under this section may be issued for up to 25 qualifying signs that display the same message. Such message must be specified on the application and shall be included on the issued permit

Section 4. This ordinance shall take effect on May 1, 2012.

Section 5. Except as herein amended, Title 15, Chapter 15.08, of the El Paso City Code remains in full force and effect.

ADOPTED this _____ day of _____, 2012.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Elizabeth M. Ruhmann
Assistant City Attorney

APPROVED AS TO CONTENT:

Daryl W. Cole, Director
Department of Transportation